

Superseded 5/10/2016

11-42-209 Designation of assessment area for energy efficiency upgrade or renewable energy system -- Requirements.

- (1) A governing body may not adopt a designation ordinance or resolution to designate an assessment area for an energy efficiency upgrade or a renewable energy system, unless the assessment area is a voluntary assessment area.
- (2) A local entity may not include property in a voluntary assessment area described in Subsection (1) unless an owner of property located in the assessment area provides to the local entity:
 - (a) the written consent of each person or institution holding a lien on the property; and
 - (b) evidence:
 - (i) that there are no delinquent taxes, special assessments, or water or sewer charges on the property;
 - (ii) that the property is not subject to a trust deed or other lien on which there is a recorded notice of default, foreclosure, or delinquency that has not been cured; and
 - (iii) that there are no involuntary liens, including a lien on real property, or on the proceeds of a contract relating to real property, for services, labor, or materials furnished in connection with the construction or improvement of the property.